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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,440	07/25/2003	Thomas Seth Belcher	03-0431.01	5371

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EXAMINER

MENDIRATTA, VISHU K

ART UNIT PAPER NUMBER

3712

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/627,440

Applicant(s)

BELCHER ET AL.

Examiner

Vishu K Mendiratta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

NOTE: In view of the applicant's conversation with Derris H. Banks and upon further consideration the finality is being withdrawn. The rejection is revised and a new non-final action is being issued.

***Claim Rejections - 35 USC § 102***

1. Claims 1-7,9,11-17,19 rejected under 35 U.S.C. 102(b) as being anticipated by Bassett (3,057,624).

Bassett teaches a gaming plane (10) having plurality of tiles (Fig.1), tiles having at least three edges comprising means for interconnecting (Fig.5) in centripetal and centrifugal shapes, tiles made out of cardboard material (2:2-5) overlaid on another substrate (Fig.2) and cardboard surfaces are well known to be compatible with dry-erasable markers, and the board providing a perception of a Cartesian grid (Fig.1).

***Claim Rejections - 35 USC § 103***

2. Claims 1-7,9,11-17,19 rejected under 35 U.S.C. 103(a) as being unpatentable over Bassett in view of Ward (4060246).

Bassett teaches a gaming plane (10) having plurality of tiles (Fig.1), tiles having at least three edges comprising means for interconnecting (Fig.5) in centripetal and centrifugal shapes, tiles made out of cardboard material (2:2-5) overlaid on another substrate (Fig.2) and cardboard surfaces are well known to be compatible with dry-erasable markers, and the board providing a perception of a Cartesian grid (Fig.1).

Applicant might argue that Bassett does not expressly indicate a dry-erasable surface.

Ward teaches a dry-erasable surface (4:39-46) in a game playing environment.

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Surfaces that are dry-erasable using pencils or felt-tipped markers are commonly used and recognized by the art area of games and amusement articles. In order to save money the game boards are marked with dry-erasable markers and erased for the next game. One of ordinary skill in art at the time the invention was made would have suggested using dry-erasable surfaces for the purpose of money.

3. Claims 4-7,9, 14-17,19 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bassett in view of Somerville (4,828,268).

Bassett teaches all limitations except that it does not expressly teach tiles in honeycomb shape. Somerville teaches tiles in honeycomb shape (Fig.6-7).

While rectangular and square boards are easy to make and store, numerous shapes including as demonstrated by Somerville are known in the art area for the purpose of attracting players who like to play with complicated shapes.

In order to make the game attractive, it would have been obvious to provide boards in the shape of honeycomb.

One of ordinary skill in art at the time the invention was made would have suggested providing boards in honeycomb shape to make the game attractive,

4. Claims 8,18 rejected under 35 U.S.C. 103(a) as being unpatentable over Bassett in view of Somerville as applied to claim 5 above, and further in view of Grutta (2,972,833).

Bassett and Somerville teach all limitations except that they do not teach a ball and socket connection for tiles.

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Grutta teaches a ball and socket connection (Fig.4).

Board games are popular travel companions. Board pieces that easily disconnected are likely to distract players away from playing as board pieces disassemble due to slightest movement or disturbance.

While some joints are easily disconnected others such as a ball and socket joint keeps the board secured and in one piece.

In order to secure board pieces properly and the shape of the board, it would have been obvious to use a ball and socket joint for the tiles. One of ordinary skill in art at the time the invention was made would have suggested using ball and socket means for connecting tiles.

5. Claims 10,20 rejected under 35 U.S.C. 103(a) as being unpatentable over Bassett in view of Somerville as applied to claim 5 above, and further in view of Kleva (4,431,386).

Bassett and Somerville teach all limitations except that they do not teach a ball and socket connection for tiles.

Kleva teaches a ball and magnetic connection (37,39).

Board games are popular travel companions. Board pieces that easily disconnected are likely to distract players away from playing as board pieces disassemble due to slightest movement or disturbance.

While some joints are easily disconnected others such as a magnetic joint keeps the board secured and in one piece.

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In order to secure board pieces properly and the shape of the board, it would have been obvious to use a magnetic joint for the tiles. One of ordinary skill in art at the time the invention was made would have suggested using magnetic means for connecting tiles.

***Response to Arguments***

6. Applicant's arguments filed 4/12/04 have been fully considered but they are not persuasive. Game boards are generally made out of card board/paper materials and are compatible with dry-erasable markers. The examiner takes the position that cardboard surfaces are made out of paper product and when written by a pencil can be easily dry-erased.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (703) 306-5695. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to be 'Vishu K Mendiratta', written in a cursive style.

Vishu K Mendiratta  
Primary Examiner  
Art Unit 3712

VKM

July 27, 2004